

# **ORDINANCE:**

## **USE OF OFF-HIGHWAY RECREATIONAL VEHICLES ON TOWN PROPERTY:**

### **SECTION I: AUTHORITY:**

This ordinance has been enacted pursuant to the authority granted the Board of Selectmen of the Town of Amherst by NH RSA 41:11-a (Town Property), which allows the Board of Selectmen of the Town to adopt ordinances to regulate the use of Town owned lands, unless such management is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, (Conservation Commissions) and RSA 202-A:6.

### **SECTION II: PURPOSE AND INTENT:**

- A) To protect the users of these areas from physical injury that may result from the unrestricted operation of off-highway recreational vehicles at these locations.
- B) To limit the Town's potential financial liability for any injuries that might result from the unrestricted operation of off-highway recreational vehicles at these facilities.
- C) To prevent damage to the playing fields, trails, roads, parking areas, steep slopes, wetlands, activity areas and other improvements, thereby reducing the cost to the taxpayers of Amherst for operating and managing these facilities.
- D) To prevent soil erosion, damage to vegetation and turf, and other injury to the environment.
- E) To reduce the risk of fire.
- F) To reduce the amount of unwanted noise and dust.
- G) To encourage indigenous wildlife to inhabit Amherst's major conservation areas.

### **SECTION III: APPLICABILITY:**

- A) This ordinance applies to any and all lands owned by the Town of Amherst, including but not limited to recreational areas, conservation areas, and town sportsfields.

### **SECTION IV: DEFINITIONS:**

- A) The State defines "*Off-Highway Recreational Vehicles (OHRVs)*" as "...any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle." (RSA 259-69). Common terms for OHRVs are dirt bike, ATV, and others.
- B) "*Snowmobile*" means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, tracks, or cleats (RSA 215-C).

- C) *"Town-owned Land"* shall mean any and all land acquired by the Town of Amherst whether by purchase, gift, tax deeding, easement, or any other means in accordance with the laws of the State of NH, including but not limited to: designated conservation areas, established recreational facilities and town sports fields.

#### **SECTION V: REGULATED ACTIVITIES:**

- A) No person, of any age, shall operate an OHRV or snowmobile upon or within any Town-owned land including, but not limited to; conservation land, designated trails, playing fields, or grassed areas therein, except that snowmobiles are permitted in the following designated areas:
- Upper Bragdon Hill (not either hayfield)
  - Patch Hill Trail (Lyndeborough Road to the Amherst / Milford border)
  - B&M Trail (Walnut Hill Road to private barriers)
  - Grater Road
- B) These restrictions are not intended to restrict the legal use of motor vehicles upon roadways and parking lots, e.g., lawn mowers, maintenance vehicles, construction and logging equipment operated on behalf of the Town of Amherst and / or the Amherst Department of Public Works, emergency vehicles operated by or under the direction of the Amherst Police, Fire, and / or Emergency Medical Services, along with similar vehicles of local, state, or federal government agencies conducting similar activities.

#### **SECTION VI: ENFORCEMENT:**

- A) The provisions of this ordinance shall be enforceable by Police and law enforcement officers, including but not limited to: State Police officers, sheriffs, deputy sheriffs, fish and game officers, policemen, constables, and all persons empowered to make arrests in criminal cases.

#### **SECTION VII: PENALTIES:**

- A) Any person found guilty of violating the provisions of this ordinance shall be guilty of a violation under RSA 625:9 (V), and may be sentenced to a fine (RSA 651:2 (III-a), which shall not exceed \$1,000.00. RSA 651:2 (IV) (a).
- B) It will be the policy of the Town in such appropriate cases to seek restitution under RSA 651:2 (VI-a) to repair all damages to Town-owned land or property caused by any person violating this ordinance.
- C) It will be the policy of the Town in such appropriate cases to seek civil damages for restitution from parents and/or legal guardians of minors violating this ordinance.

#### **SECTION VIII: VALIDITY:**

- A) If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not


affect, impair, or invalidate any other section, clause or provision, portion or phase of this Ordinance.

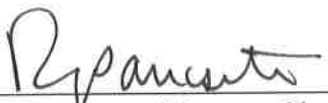
- B) The provisions of this Ordinance shall be valid in full force and effect whether or not there is snow cover on the ground or whether or not any, all or none of the borders of any Town-owned land are posted or identified by signs.

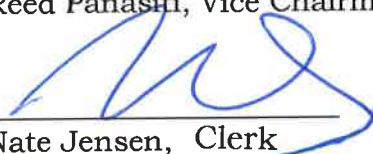
**SECTION IX: EFFECTIVE DATE/AMENDMENTS:**


This Ordinance shall become effective April 9th, 2012, and may from time to time, be amended by the Board of Selectmen at a regularly scheduled Selectmen's meeting subsequent to a public hearing duly posted fourteen (14) days prior.


**Amended by the Board of Selectmen this 23rd day of May, 2016.**

  
Dwight Brew, Chairman

  
Reed Panasiti, Vice Chairman

  
Nate Jensen, Clerk

  
Thomas Grella

  
Peter Lyon